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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,682	09/25/2003	Masami Matsuura	243216US3 DIV	4417

  

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314		

  

EXAMINER	
MAYO, TARA L	

  

ART UNIT	PAPER NUMBER
3671	

  

NOTIFICATION DATE	DELIVERY MODE
07/24/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/669,682	MATSUURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TARA MAYO-PINNOCK	3671	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/854,472.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. The prior objection to claim 31 is moot in view of the claim amendments filed 20 April 2009.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 34 through 36 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Stanford (U.S. Patent No. 5,090,352 A).

Stanford '352, as best seen in Figures 9 and 11, discloses a motion reduction apparatus for a floating body comprising:

a stationary floating main body (vessel 1a or 1c when docked or anchored) having substantially vertical side surfaces; and

a plumb plate (8a, 8c) which is provided on at least a substantially vertical side surface of a floating main body (1a, 1c), is separated from the floating main body a specific distance, extends substantially parallel to the substantially vertical side surface of the main body, and extends below a lowermost bottom surface of the floating main body;

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wherein the plumb plate is supported at a specific location of the floating main body by a plurality of stay members (11a, 11c) arranged on the floating main body so as to provide flow sections that are surrounded by the floating main body, the plumb plate, and the stay members;

wherein the floating main body is orthorhombic-shaped, and the plumb plate is provided on at least a wavefront side section along a longitudinal direction of the floating main body; and

wherein the floating main body is a stationary platform ship.

4. Claims 34 through 37, 40 through 43 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Schutt et al. (U.S. Patent No. 3,626,887 A).

Schutt et al. '887, as best seen in Figure 1, shows a motion reduction apparatus for a floating body comprising:

a stationary floating main body (vessel 1 when docked or anchored) having substantially vertical side surfaces; and

a plumb plate (29) which is provided on at least a substantially vertical side surface of a floating main body (1), is separated from the floating main body a specific distance, extends substantially parallel to the substantially vertical side surface of the main body, and extends below a lowermost bottom surface of the floating main body;

wherein the plumb plate is supported at a specific location of the floating main body by a plurality of stay members (16) arranged on the floating main body so as to provide flow sections that are surrounded by the floating main body, the plumb plate, and the stay members;

wherein the plumb plate is constructed to swing with respect to the floating main body;

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wherein the plate has an edge section closest to the floating main body that is separated from the floating main body by a specific distance, and an upper edge of the plate member is oriented at substantially a same level as a lowermost bottom surface of the floating main body;

wherein the floating main body is orthorhombic-shaped, and the plumb plate is provided on at least a wavefront side section along a longitudinal direction of the floating main body; and

wherein the floating main body is a stationary platform ship.

5. Claims 41 through 44 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson (U.S. Patent No. 4,377,123).

Jackson '123, as best seen in Figure 1, shows a motion reduction apparatus for a floating body comprising:

a stationary floating main body (vessel 10 when docked or anchored) having substantially vertical side surfaces; and

a plate member (13) provided on a substantially vertical side surface of a floating main body (10), wherein the plate member has an edge section closest to the floating main body that is separated from the floating main body by a predetermined distance, an upper edge of the plate member is oriented at substantially a same level as a lowermost bottom surface of the floating main body, and the upper edge of the plate member is provided so as to be substantially parallel to the lowermost bottom surface of the floating main body via the predetermined distance;

wherein the plumb plate is supported at a specific location of the floating main body by a plurality of stay members (14, 15 and 21) arranged on the floating main body so as to provide

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flow sections that are surrounded by the floating main body, the plumb plate, and the stay members;

wherein the floating main body is orthorhombic-shaped, and the plumb plate is provided on at least a wavefront side section along a longitudinal direction of the floating main body;

wherein the plumb plate is constructed to swing (via element 16) with respect to the floating main body; and

wherein the floating main body is a stationary platform ship.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 34 through 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (U.S. Patent No. 4,377,123).

Jackson '123, as best seen in Figure 1, shows a motion reduction apparatus for a floating body comprising:

a stationary floating main body (vessel 10 when docked or anchored) having substantially vertical side surfaces; and

a plumb plate (13) which is provided on at least a substantially vertical side surface of a floating main body (10), is separated from the floating main body a specific distance, extends adjacent the substantially vertical side surface of the main body, and extends below a lowermost bottom surface of the floating main body;

wherein the plumb plate is supported at a specific location of the floating main body by a plurality of stay members (14, 15 and 21) arranged on the floating main body so as to provide flow sections that are surrounded by the floating main body, the plumb plate, and the stay members;

wherein the plumb plate is constructed to swing (via element 16) with respect to the floating main body;

wherein the plate has an edge section closest to the floating main body that is separated from the floating main body by a specific distance, and an upper edge of the plate member is oriented at substantially a same level as a lowermost bottom surface of the floating main body; and

wherein the floating main body is a stationary platform ship.

Applicant's claim of the plate extending substantially parallel to the vertical side surface of the floating body, the device disclosed by Jackson '123 meets the invention as claimed. Specifically, as best seen in Figure 3, the position of the plate relative to the side surface is effected and maintained by winch line (28). Therefore, the claim limitation is met when a length of winch line is released effective to position the plate substantially parallel to the substantially parallel side surface of the floating body. Such a modification would have been obvious to one having ordinary skill in the art at the time of invention to stabilize the floating body as desired during use.

9. Claims 38, 39, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanford (U.S. Patent No. 5,090,352 A) or Schutt et al. (U.S. Patent No. 3,626,887 A) or Jackson (U.S. Patent No. 4,377,123).

Stanford '352, Schutt et al. '887 and Jackson '123 each fail to teach:

the floating body being a floating bridge; and

the floating body being a floating parking lot.

With regard to claims 38 and 45, while none of the references expressly teaches a floating bridge for the floating body, it is a well known expedient in the art of bridges to use ships and other floating vessels as pontoons for floating bridges, such as accomplished circa 480 BC by Persian engineers under King Xerxes. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to adapt the floating main body of Stanford '352



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or Schutt et al. '887 or Jackson '123 for use as a floating bridge, since it is an old and well known modification.

With regard to claims 39 and 46, while none of the references expressly teaches a floating parking lot for the floating body, it would have been obvious to one having ordinary skill in the art of ships at the time of invention to adapt the floating main body of Stanford '352 or Schutt et al. '887 or Jackson '123 for use as a floating parking lot, since the Examiner takes Official Notice of the well known use of ships and other floating vessels as parking lots (i.e., areas for holding parked automobiles).

### ***Response to Arguments***

10. Applicant's arguments filed 20 April 2009 have been fully considered but they are not persuasive.

In response to Applicant's argument that Stanford '352, Schutt et al. '887 and Jackson '123 all fail to teach a stationary floating main body, the Examiner contends the limitation is met by any one of the prior art vessels while docked or anchored. The Examiner further notes that claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than use.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARA MAYO-PINNOCK whose telephone number is (571)272-6992. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/TARA MAYO-PINNOCK/  
Primary Examiner, Art Unit 3671

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20 July 2009